In re Patent Application

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Examiner: Michael Pender

Protest under 37 CFR 1.291

Exhibit D

Employee Performance Review from Andersen Consulting, documenting the performance and contributions of Michael Smialek as an employee of Andersen Consulting for the employment period 12/1/1995 – 8/31/1996.

CAREER MAP PERFORMANCE APPRAISAL

EVALUATEE

Name	Michael R. Smialek	Competency Group	Technology
Personnel Number	000814211	Skill Track	Technology Architecture
GMU/LMU	0283/080	Career Level	Consultant
Location	Chicago, United States	Role/Job Title	technical developer
Business Organization	Consulting	Industry/Market Unit	Cross Industry

EVALUATOR

Name	Suzanne Pink	Competency Group	Technology
Personnel Number	000681679	Career Level	Experienced Manager
Location	Chicago, United States	Industry/Market Unit	Cross Industry
Business Organization		Basis for Evaluation	Extensive

PERFORMANCE APPRAISAL

Project Title	GE FFC Development	Start Date	12/1/95
Client/Program Name	GE FMP	End Date	8/31/96
Job/Project Number	GEN042	Date of Discussion	9/30/96

APPROVAL

Name	David Smith	☑ Approved
Location	Hartford/Stamford, United States	
Business Organization	Consulting	
Career Level	Experienced Manager	
Industry/Market Unit	Products	
Role		

CAREER MAP PERFORMANCE APPRAISAL

Roles and Expectations

GE is replacing its instructor-led Financial Foundations Course (FFC) with a computer-based business simulation and presentation system. This period covers the implementation and system test phase of the project, as well as the Architecture packaging effort which took place after the system was complete.

Mike's role during this period was to develop a more efficient version of the Tutor module, re-writing the existing code in C++ to enhance performance. He was also responsible for assisting the development team in integrating the tutor into the overall architecture. Mike also participated in the system test of the application, and was responsible for fully documenting the functionality of the Tutor module upon its completion.

Mike was expected to develop a robust, technical solution within his budget constraints. He managed his own time, reporting status and developing reasonable resolutions to issues that arose. Further, he was responsible for determining specific work tasks necessary to achieve overall objectives, and delegating those tasks to leverage available resources. While Mike did not have direct supervisory responsibility during most of this period, he was expected to contribute to the overall knowledge capital of the team by transferring his knowledge to others. Mike did supervise Benoit Bertrand, and direct the work of others, during the packaging effort towards the end of the period.

During the packaging effort, Mike was responsible for leading the entire effort. He estimated the work, and managed all aspects of development. He was responsible for status reporting and quality of all final deliverables.

Finally, Mike had the opportunity to exhibit his communications skills in presentations to the team and other external groups (e.g. the EnCore team).

CAREER MAP PERFORMANCE APPRAISAL

	Standard	Assessed

Content Skill Domains

Application Programming	P3	P5
	* Develop complex program modules from general specifications. * Identify potential design discrepancies and recommend modifications to others' code. * Use architecture efficiently and effectively. * Provide programming assistance to others. * Apply principles of good code development (e.g., reusability, maintainability and self-testing).	* Adapt approaches, languages, tools and methods to fit the environment. * Discover tools/techniques to increase programming productivity. * Determine how programs coded in one language will integrate with programs coded in another language.

In the development of the tutor component, Mike determined the optimal development environment, learned that language, and recoded the entire component to improve speed and accuracy. He was responsible for determining how the tutor would integrate with the rest of the application, and directed others in performing this integration. Further, he designed and created a workbench to allow designers to directly input the knowledge required for the tutor to perform.

Functional Design	P2	P2
	* Identify functional requirements for your area of responsibility. * Conduct and document user interviews. * Define simple, maintainable processes based on a functional architecture. * Identify functional interfaces and incorporate into design. * Define data requirements of a business process. * Use design tools effectively. * Document volume, frequency and response time requirements of business transactions.	* Identify functional requirements for your area of responsibility. * Conduct and document user interviews. * Define simple, maintainable processes based on a functional architecture. * Identify functional interfaces and incorporate into design. * Define data requirements of a business process. * Use design tools effectively. * Document volume, frequency and response time requirements of business transactions.

	Standard	Assessed

Mike was responsible for designing the tutor component, and also the tutor workbench. He determined requirements through several conversations with designers, and has a good understanding of what the designers would like to make rule generation easier.		

Functional/User Testing	P2	P2
	* Develop test scripts and expected results to test functional design. * Conduct functional/user tests. * Analyze discrepancies between actual and expected results. * Identify possible sources of discrepancies and recommend solutions.	* Develop test scripts and expected results to test functional design. * Conduct functional/user tests. * Analyze discrepancies between actual and expected results. * Identify possible sources of discrepancies and recommend solutions.
Mike developed several testing utilities to test the outcome of tutor queries. He was able to assist the designers and testers greatly in identifying where errors occurred, and recommended solutions. However, because the tutor programming effort was behind schedule, Mike did not create formal test plans to document expected results. In the future, this should be a part of every testing effort.		

Performance Testing	P3	P3
	* Identify and describe testing concepts. * Define a test plan based on performance requirements. * Determine which areas of the application or technical environment should be performance tested. * Verify performance test results meet requirements and obtain user sign-off. * Determine appropriate solution to address the causes of testing discrepancies. * Analyze potential system performance problems and make appropriate recommendations.	* Identify and describe testing concepts. * Define a test plan based on performance requirements. * Determine which areas of the application or technical environment should be performance tested. * Verify performance test results meet requirements and obtain user sign-off. * Determine appropriate solution to address the causes of testing discrepancies. * Analyze potential system performance problems and make appropriate recommendations.
Mike did a good job meeting performance expectations for tutor response time. There was significant concern that immediate response time would not be possible, but Mike was able to modify the application to meet his requirements.		

Project Management	P2	P1

	Standard	Assessed
	* Define tasks and create team workplans with moderate supervision. * Balance quality of work with deadlines and budget. * Delegate work to others and monitor progress. * Identify issues affecting work progress and recommend solutions. * Communicate schedule variances and potential scope changes in status reports. * Provide timely performance feedback. * Compare and contrast the capability and service offerings of the various Competency Groups.	* Plan and manage own work effort. * Document and communicate issues associated with own work. * Apprise supervisor of status, schedule variances and outstanding issues. * Balance quality of work with deadlines and budget. * Suggest ways to better accomplish assigned tasks.

Mike has a good deal of difficulty estimating and reporting status on his work effort. During this evaluation period, Mike was significantly over budget on the development of the tutor, and significantly behind schedule in the development of the workbench packaging effort. He is reluctant to off-load tasks to others, and in turn creates unrealistic schedules for himself to complete the work. Further, Mike did not clearly communicate a serious schedule overrun (30 days) until 3 days before the scheduled end of the project. This delay in clearly communicating status nearly led to the cancellation of the project before any deliverables could be completed.

Mike does not seem to realize the importance of tracking schedule and budget realistically, as he continues to delay reporting status even after the aforementioned mishaps. He must begin to take these activities seriously if he would like to be in a leadership position on a team.

Technical Design	P3	P4

Standard	Assessed
* Identify system performance issues resulting from proposed functional design and recommend appropriate functional design changes. * Identify key technical design issues and recommend possible solutions. * Design interfaces between the system being developed and other systems with which it will communicate. * Comply with application architecture/technical architecture boundary standards. * Assess external system change requirements to accommodate interfaces, and create appropriate change requests.	* Define the sequence in which processing is performed and how data is passed between processes. * Determine data and process distribution in a way that balances functional simplicity with technical feasibility. * Develop conceptual technical designs that comply with the technical architecture. * Specify deliverables to be produced during technical design effort. * Estimate application's cost, resource consumption and response time.

Mike's technical design skills are excellent. He was completely responsible for all tutor designs, and can clearly articulate the advantages of using this design for a particular application. He successfully estimated the application's cost and response time, but must remember to consider trade-offs between quality, cost, and schedule when making design decisions. Mike always wants to build the ideal solution, which is commendable, but sometimes is not realistic or required for the task at hand.

		P4
Technology Architecture	P2	

	Standard	Assessed
	* Combine architecture components to build one area of an architecture. * Identify how architecture components will be utilized by applications.	* Determine appropriate boundaries for the components of an architecture. * Articulate the strengths and weaknesses associated with utilizing alternative architecture solutions. * Recommend a given architecture solution. * Define custom architecture requirements around a known architecture solution. * Define what architecture deliverables need to be produced. * Balance quality requirements against development and maintenance costs in resolving architecture issues.

As mentioned, Mike's overall direction of the tutoring architecture was critical to the project's success, and he did an excellent job. He built custom components which are reusable on other engagements, contributing to the Firm's overall knowledge capital in the area of business simulation.

Technology Specialization	P2	P4
	* Implement specific technology components in area of specialization. * Utilize existing tools and environment to support tasks. * Articulate the strengths and weaknesses associated with a given technology solution within area of specialization.	* Recommend a given technology solution within area of specialization. * Determine an approach for providing technology solutions within area of specialization. * Articulate the strengths and weaknesses associated with utilizing alternative implementation environments for area of specialization.

Mike's skills in his area of expertise, rule-based knowledge systems, have been critical to our project. He not only brought a first-class solution to our project, but has continued to work with other projects to determine additional ways to implement the tutor for applications that are not training-specific. He has an excellent understanding of the abstraction of this development effort, in order to relate it to other project initiatives.

	Standard	Assessed
Other Content Skill Domains		
None		
No Basis Content Skill Domains		
Account Planning	P1	
Alliance Management		
Business Process Acumen	P1	
Business Process Conversion	P1	
Facilitation	P2	
Industry Acumen		
Process Consulting	P1	
Quality Management	P1	
Research	P1	
Sales Planning and Implementation	P1	
Technology Configuration and Deployment	P2	
Technology Operations Specialization	P1	

	Standard	Assessed

Professional Qualities

Business Writing	P2	P2
	* Develop documents that effectively communicate to work groups who share your perspective. * Express ideas in a clear, concise manner. * Write at the appropriate level of detail for the audience.	* Develop documents that effectively communicate to work groups who share your perspective. * Express ideas in a clear, concise manner. * Write at the appropriate level of detail for the audience.

Mike created a very complex document for describing the tutor and how it functions. While this document was very detailed, it was not clearly organized in order for multiple audiences to gain an appreciation for the power of this tutor component. Mike needs to understand the audience, and adjust both his written and oral communication appropriately. Understanding the audience will help him be able to better articulate his thoughts and contributions to a wider audience, not just those that are technically proficient.

Influence	P2	P2
	* Provide input that is considered in group or team decision making. * Secure cooperation from and/or persuade co-workers. * Impact team morale, sense of belonging and participation. * Viewed as credible, knowledgeable and sincere. * Demonstrate awareness of others' personal behavior style.	* Provide input that is considered in group or team decision making. * Secure cooperation from and/or persuade co-workers. * Impact team morale, sense of belonging and participation. * Viewed as credible, knowledgeable and sincere. * Demonstrate awareness of others' personal behavior style.

Mike's advanced programming skills made him a valuable contributor to our technical team. Other team members sought Mike's advice for difficult programming situations. As his manager, I relied heavily on Mike's technical knowledge in making decisions regarding the overall direction of the project.

Initiative	P3	P3
	* Set personal standards that go beyond the expectation of others. * Identify and act upon opportunities to increase quality of team output. * Look for opportunities to make a contribution outside of immediate role.	* Set personal standards that go beyond the expectation of others. * Identify and act upon opportunities to increase quality of team output. * Look for opportunities to make a contribution outside of immediate role.

Standard	Assessed

Mike has a lot of initiative, as demonstrated by his commitment to the Tutor Packaging project and his overall programming effort. When Mike gets involved in a task, he has a hard time putting it down and going home for the night. He actively seeks out opportunities for leveraging the work he's done to other projects. Also, Mike independently developed a presentation describing how several existing tools could be integrated to improve Andersen's solution delivery capability, and increase its market share in the knowledge worker market.

Innovation	P3	P4
	* Identify and use tools and techniques which can encourage innovative thinking. * Implement new approaches, methods, alternatives or solutions and identify potential impacts. * Develop new ways to solve problems when standard approaches do not apply. * Integrate or combine known approaches in novel ways to meet needs or objectives.	* Facilitate innovative thinking by applying Best Practices and other tools. * Contribute new and innovative solutions to Andersen Consulting's knowledge capital. * Create programs and/or tools to encourage innovation in a process, project or function. * Formulate new useful explanations or approaches for complex problems, situations or opportunities. * Assess impact and value added associated with new approaches, methods, alternatives or solutions.

The tutor component and subsequent packaging effort clearly demonstrate Mike's ability to deliver innovative solutions. This is the first Firm project to develop a common tutoring component that delivers sophisticated, multi-level feedback, and is fully reusable on other engagements. The tutor workbench is designed to organize and structure the feedback generation process, so that the feedback is captured in a consistent and instructionally sound manner. As Mike continues to work on enhancing the tools he built, he will surely identify more opportunities to add value to a variety of projects.

Leadership	P2	P2
	* Contribute to a positive work environment through own behaviour. * Build the trust and confidence of others at all levels. * Promote sharing of information. * Demonstrate commitment through actions. * Consider balance between others' work and personal priorities.	* Contribute to a positive work environment through own behaviour. * Build the trust and confidence of others at all levels. * Promote sharing of information. * Demonstrate commitment through actions. * Consider balance between others' work and personal priorities.

	Standard	Assessed

Mike was responsible for leading the Packaging effort, yet only supervised one person during this time. Mike needs more experience leading a larger team, so that he can improve his overall management and supervisory/delegation skills. He does a good job in sharing information with others, and has secured the trust of others by continuing to deliver quality solutions.

To be an effective leader, however, Mike must become more effective at generating alternative solutions when the best-base scenario is not feasible.

Negotiation	P2	P2
	* Resolve issues with subordinates. * Represent Andersen Consulting's viewpoint in issue resolution.	* Resolve issues with subordinates. * Represent Andersen Consulting's viewpoint in issue resolution.

Oral Communication	P3	P3
	* Organize discussion in a logical manner. * Express ideas to individuals and groups, both in formal and informal settings. * Communicate intended messages clearly when delivering formal presentations. * Develop messages that convey alternative viewpoints. * Respond to questions with accurate and complete answers. * Use effective non-verbal communication during formal presentations.	* Organize discussion in a logical manner. * Express ideas to individuals and groups, both in formal and informal settings. * Communicate intended messages clearly when delivering formal presentations. * Develop messages that convey alternative viewpoints. * Respond to questions with accurate and complete answers. * Use effective non-verbal communication during formal presentations.
Mike has improved in this area during this time period. He is getting much better at delivering a clear message regarding highly technical information. He does need to get more experience in this area to continue to improve these skills.		

Personnel Development	P2	P2

	Standard	Assessed
	* Pursue personal career development goals. * Balance career expectations and business needs. * Seek increased contribution and level of responsibility. * Provide informal feedback to others. * Seek out mentors for coaching and counselling.	* Pursue personal career development goals. * Balance career expectations and business needs. * Seek increased contribution and level of responsibility. * Provide informal feedback to others. * Seek out mentors for coaching and counselling.

Mike has a good understanding of the direction he intends to take within the Firm, and works diligently to achieve his objectives. He takes responsibility for his career, and seeks out opportunities to add value to a variety of projects. Over the past few months, Mike has positioned himself on a part time project in addition to the tutor packaging effort. This other project is allowing Mike to develop opportunities to use the tutor outside of training, and to envision new tools that can be integrated with it.

Problem Solving	P2	P2
	* Break problems into distinct and manageable parts. * Develop supporting data and rationale for alternative solutions. * Refer to precedents in determining solution alternatives. * Recommend solution to problem from various alternatives.	* Break problems into distinct and manageable parts. * Develop supporting data and rationale for alternative solutions. * Refer to precedents in determining solution alternatives. * Recommend solution to problem from various alternatives.

Mike is very good at solving technical or programming problems, and does so very systematically. He needs more experience solving project-related problems (scope, budget, personnel), as he at times presents solutions which are unrealistic given the organization of the project or the client. With more experience, Mike will be able to effectively handle these situations as they arise.

Professional Relationships	P2	P2

	Standard	Assessed
	* Build productive working relationships. * Earn respect of others. * Model sound judgement regarding personal conduct. * Participate in professional and/or community organizations. * Develop a resource network through the exchange of information.	* Build productive working relationships. * Earn respect of others. * Model sound judgement regarding personal conduct. * Participate in professional and/or community organizations. * Develop a resource network through the exchange of information.

Mike's knowledge and experience have clearly made him a known and valuable resource in the Firm. He has built solid relationships on this project, and also on other GBS-related projects throughout the Firm.

Teamwork/Collaboration	P2	P2
	* Encourage others to share ideas to develop team cohesion. * Listen, while withholding judgement, to all viewpoints. * Participate in goal setting and problem solving. * Identify barriers to effective teamwork. * Help other team members who need assistance. * Be open and flexible to new ideas that may alter team goals.	* Encourage others to share ideas to develop team cohesion. * Listen, while withholding judgement, to all viewpoints. * Participate in goal setting and problem solving. * Identify barriers to effective teamwork. * Help other team members who need assistance. * Be open and flexible to new ideas that may alter team goals.

Mike's working relationship with Benoit Bertrand, the other person wokring on the packaging effort, was very collaborative and supportive. Mike helped Benoit with design ideas and programming tasks to complete their common goal. Mike works well with others whose skills he respects, and he should remember to offer this same level of support in all situations.

Mike has also made an effort to work with other teams who are doing similar work, including ACE (Andersen Consulting Education), to share ideas and foster reuse of knowledge capital.

No Basis Professional Qualities

Diversity Management	P2	P0

	Standard	Assessed
	* Supervise people with different backgrounds effectively. * Build relationships in workgroups with different expertise or focus than own.	* item not found#

CAREER MAP PERFORMANCE APPRAISAL

Success Factors

Success Factors	Definitions	Meets Expectations	Does Not Meet Expectations
Client Focus	Adopting client perspective in all interactions.	☑	☐
Confidence	Acting with appropriate self-assurance; remaining poised in uncertain and ambiguous situations.	☑	☐
Cooperative	Maintaining responsibility and flexibility in working with others to achieve common goals.	☑	☐
Decisiveness	Acting promptly and confidently using sound judgment and common sense.	☑	☐
Integrity	Consistently honoring commitments. Taking responsibility for actions and words.	☑	☐
Interpersonal Flexibility	Adapting to other personalities in a respectful manner that is conducive to goal achievement.	☑	☐
Responsiveness	Promptly acting upon requests or information.	☑	☐
Self Starter	Motivated to learn or advance own expertise and value.	☑	☐
Stewardship	Thinking future-oriented; acting and investing to build a stronger firm for tomorrow.	☑	☐
Thoroughness	Systematically organizing and completing detailed tasks; checking accuracy and completeness of information.	☑	☐

Contribution

Mike was the primary contributor to the successful implementation of a reusable tutor and workbench for capturing and delivering feedback in simulated business environments. His technical skills, and ability to fully understand the functional need, allowed him to single-handedly build this component of the project. In order to do this, Mike needed to develop C++ skills before undertaking this effort.

Mike has not only contributed to the success of this project, but also to the success future business simulation engagements. He has a keen understanding of how this component can be reused on other projects, not limited to training applications. His rule-based method for delivering robust feedback can be used in performance support and other knowledge-based applications.

Mike led the effort to package all project deliverables and make them available through the Knowledge Exchange, and has worked with other project teams to discuss reuse of the GE architecture on other engagements. He is currently working with the GE team to use the enhanced workbench for the second semester of the FMP program.

During this period, Mike worked fairly independently, and needs more experience directing others. He prefers to work alone rather than with others who are not at his skill level, but he needs to work on developing his skills in others. Mike also needs to understand the importance of effective estimating, as well as schedule and budget tracking. He does not seem to understand the impact of missing schedules/budgets.

Skills

Skill Types/Skills	Experience Level
Skills are not available for selected CDM	